REMARKS

In the Office Action of June 28, 2006,[1] the specification was objected to as lacking application numbers in the paragraph listing related applications on page one of the specification. In addition, claims 30, 31, 36, and 37 were rejected under 35 U.S.C. § 112, first paragraph, and claims 4 and 5 were rejected under 35 U.S.C. § 112, second paragraph. Claims 1-6, 8-25, 27-29, and 32-35 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,728,603 to Pruzan et al. ("*Pruzan*") in view of U.S. Patent No. 6,865,460 to Bray et al. ("*Bray*"). Claim 38 was rejected over *Pruzan* and *Bray,* and further in view of U.S. Patent Application Publication No. 2003/0014521 to Elson et al. ("Elson").

By this amendment, Applicants amend claims 4, 30, 31, 36 and 37. With claims 7 and 26 having been previously cancelled, claims 1-6, 8-25, and 27-38 remain pending in the application. Applicants address the rejections below.

Interview Summary

Applicants would like to thank the Examiner for the courtesy extended during the personal interview with Applicants' representatives, Elizabeth Burke and James Stein, on October 18, 2006. The remarks made herein are consistent with the discussion during the interview.

In particular, with respect to independent claims 1, 8, 10, 11, 12, 19, 27-29, 32, 34 and 38, Applicants argued that an address map is not inherent in *Pruzan*.

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[1] The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

With respect to independent claims 32 and 34, Applicants argued that neither *Pruzan* nor *Bray* disclose or suggest routing a first message from a first program logic to a second program logic, the first program logic and second program logic serving as proxies in the work machine. Similar remarks were presented in the previous response (filed April 4, 2006) at pages 24-25, but were not addressed by the Examiner in Office Action. The Examiner agreed that although *Pruzan* in combination with *Bray* may be able to perform this feature, the requisite teaching and motivation were lacking in the references.

With respect to claim 38, Applicants asserted that neither *Pruzan*, nor *Bray*, nor *Elson* disclose or suggest "*retrieving* by the gateway a proxy logic element from a remote location." The Examiner indicated that he would have to review *Elson* further.

Section 112 Rejections

Applicants respectfully submit that the foregoing amendments to claims 4, 30, 31, 36, and 37 address the § 112 rejections applied to the claims. Accordingly, applicants request the withdrawal of the rejections and the timely allowance of claims 30, 31, 36 and 37.

Section 103 Rejection

Applicants traverse the § 103(a) rejection of claims 1-6, 8-25, 27-29 and 32-35 and 38 because a case for *prima facie* obviousness has not been established. The Office carries the burden of establishing a *prima facie* case of obviousness. MPEP § 2142. A *prima facie* case of obviousness requires the following elements: 1) some

motivation or reason, flowing from the prior art, why the proposed modification would have been beneficial or desirable, 2) a reasonable expectation of success, and 3) the presence of all claimed elements once the modification is made. MPEP § 2143. In addition, motivation supporting a conclusion of obviousness must not be based on impermissible hindsight reasoning.

Independent claim 1 recites, *inter alia*, "routing, based on the destination address and an address map including proxy logic identifiers, the first message to a proxy logic element in the gateway that performs functions associated with the destination module based on data included in the first message." Neither *Pruzan* nor *Bray* disclose or suggest an "address map" as claimed. The Office Action asserts that an "address map" is inherent in *Pruzan,* since the protocol converter 30 is able to send the message to a one of a possible many destinations. Office Action at 8. This notion is respectfully traversed.

If the Examiner is relying upon inherency to support the position that the protocol converter 30 of *Pruzan* includes an address map, such reliance is insufficient. The fact that a certain characteristic *may* possibly be present in a prior art reference *is not sufficient* to establish the inherency of that characteristic. Furthermore, to establish inherency, the Examiner must provide a basis in fact or technical reasoning that (1) extrinsic evidence *makes clear* that the missing descriptive matter is necessarily present in the reference *and* (2) that it would be so recognized by persons of ordinary skill. Inherency may not be established by probabilities or possibilities. See MPEP § 2112 (emphasis added). As such, without *Pruzan* specifically disclosing the protocol converter 30 includes an address map, the Examiner must set forth extrinsic evidence

that the undisclosed routing means employed by *Pruzan* is inherently an address map. However, no extrinsic evidence has been supplied in the outstanding Office Action.

Methods of routing messages based on destination addresses *without* using an address map are known in the art. For example, some routing schemes encode routing details into the destination address itself. In other routing schemes, higher addresses may be routed in one direction, while lower address may be routed in another direction. Some routing schemes employ a brute force method, wherein every message is broadcasted, but only a module associated with the proper destination address may interpret the message (similar to tuning in to a radio station broadcast). Any of these routing methods may be occurring in *Pruzan.* Therefore, since *Pruzan* does not specifically disclose the routing means employed, and other means of routing messages based on destination addresses are possible, an "address map," as claimed, is not inherent.

Therefore, since each and every feature recited in claim 1 is neither disclosed nor suggested by the prior art cited against the claim, the Office Action fails to establish a *prima facie* case of obviousness with respect to claim 1, and it is allowable over *Pruzan* and *Bray.* Claims 2-6 depend from claim 1, and are therefore allowable over *Pruzan* and *Bray* for at least the same reasons.

Independent claims 8, 10-12, 19, 27-29, 32, 34, and 38 also contain similar recitations to those discussed above in connection with claim 1. For example, claim 8 recites "routing, based on the destination address and an address map including proxy logic identifiers, the first message to a proxy logic element in the gateway." Claims 10 and 11 recite "means for selectively providing, using an address map, the at least one

message to program logic element in the proxy control module." Claim 12 recites,

"route the intercepted message, based on information in an address map, to the proxy

logic." Claim 19 recites "when the destination is found in the address map, route, based

on information in the address map, the first message to a first proxy logic element."

Claims 27 and 28 recite "route the intercepted message, based on information in an

address map, to proxy logic in the gateway." Claim 29 recites "selectively providing,

using an address map, the at least one message to program logic in the gateway."

Claim 32 recites "routing, based on an address map and the information included in the

message, the message from the first program logic to the second program logic." Claim

34 recites "route, based on an address map and the information included in the

message, the message from the first program logic to the second program logic." Claim

38 recites "routing, based on the destination address identifier and an address map."

As discussed above, these features are not inherent to *Pruzan,* and neither *Bray* nor

Elson remedy this deficiency. Therefore, since each and every feature recited in claims

8, 10-12, 19, 27-29, 32, 34, and 38 is not disclosed nor suggested by the prior art cited

against them, the Office Action fails to establish a *prima facie* case of obviousness, and

these claims are therefore allowable over *Pruzan* and *Bray.* Accordingly, dependent

claims 9, 13-18, 20-25, 33 and 35 also are allowable over *Pruzan* and *Bray* for at least

the same reasons. Therefore, Applicants respectfully request withdrawal of the § 103

rejection of claims 1-6, 8-25, 27-29, 32-35 and 38, and the timely allowance of these

claims.

Further with respect to independent claim 32, *Pruzan* and *Bray* fail to disclose or

suggest at least "routing, based on an address map and the information included in the

message, the message from the first program logic [in the gateway] to the second program logic [in the gateway]," where the first and second program logic serve as proxies for modules, as claimed.

As discussed during the personal interview, *Pruzan* discloses that computer 70 routes the message only to a first protocol transceiver 60. Col. 7, ll. 63 - col. 8, ll. 7. There is no teaching or suggestion that the message is then routed to a second protocol transceiver. Further, even if the "emulation" feature of *Pruzan* functions as program logic as alleged by Examiner, which Applicants deny, there is no suggestion of routing the message from a first program logic to a second program logic, as claimed. *Bray* does not remedy this deficiency. It appeared the Examiner agreed with this assertion, and that the rejection of claim 32 is lacking the requisite limitations and/or motivation. Therefore, claim 32 is allowable over *Pruzan* and *Bray*. Claim 33 depends from claim 32 and is allowable for at least the same reasons.

Claim 34, although of slightly different scope than claim 32, recites similar subject matter. In particular, claim 34 recites, *inter alia,* "route, based on an address map and the information included in the message, the message from the first program logic to the second program logic." Claim 34 is allowable over *Pruzan* and *Bray* for at least the same reasons discussed above in connection with claim 32. Claim 35 depends from claim 34 and is allowable for at least the same reasons. Applicants therefore request the withdrawal of the § 103 rejection and the timely allowance of claims 32-35.

Claim 38 recites, *inter alia,* "retrieving by the gateway a proxy logic element from a remote location." In order to remedy the deficiencies of *Pruzan* and *Bray,* the Office Action relies on *Elson.* However, *Elson* also does not disclose or suggest *"retrieving by*

the gateway a proxy logic element from a remote location." In fact, *Elson* teaches away from this feature. The Office Action points to ¶ 0031, which explains that Service Bundles are provisioned over a wireless network to a gateway. There is no suggestion that the gateway is able to *retrieve* the Service Bundles. Conversely, *Elson* implies that the Service Bundles are provided to the gateway, rather than *retrieved*. Therefore, since each and every feature recited in claim 38 is not disclosed nor suggested by the prior art cited against the claim, the Office Action fails to establish a *prima facie* case of obviousness with respect to claim 38, and it is allowable over *Pruzan*, *Bray* and *Elson*.

Moreover, even if, *arguendo,* the requisite limitations and motivation were present in the references, which Applicants deny, the combination of *Pruzan, Bray, and Elson* could not be reasonably expected to succeed. Specifically, there is no indication that the protocol converter 30 of *Pruzan* has the capability to receive (or retrieve) proxy logic elements from a remote location. Therefore, applicants respectfully request the withdrawal of the §103 rejection of claim 38, and the timely allowance of this claim.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.
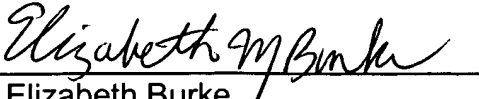
If new grounds of rejection are established with respect to claims 32-35 or 38, Applicants request that the Action not be made final.

Please grant any extensions of time required to enter this response and charge

any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By:

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